



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,902	03/26/2001	Tedd Dideriksen	MS1-786US	9520

22801 7590 07/14/2004

LEE & HAYES PLLC  
421 W RIVERSIDE AVENUE SUITE 500  
SPOKANE, WA 99201

EXAMINER
----------

LE, MIRANDA

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/817,902

Applicant(s)

DIDERIKSEN ET AL.

Examiner

Miranda Le

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>14</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This communication is responsive to Amendment B, filed 04/23/2004.
2. Claims 1-38 are pending in this application. Claims 1, 9, 13, 21, 23, 29, 31, 34, 35, 38 are independent claims. In the Amendment B, claims 1, 9, 13, 21, 23, 29, 31, 34 have been amended. This action is made non-Final.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9-11, 13-14, 16-24, 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Leeke et al. (US Patent No. 6,587,127 B1).

Leeke anticipated independent claims 1, 9, 13, 21, 23 by the following:

**As per claim 1**, Leeke teaches "one or more audio sources configured to provide audio samples that are to be rendered by a media player" at col. 5, lines 17-48;

“an audio sample pre-processor communicatively linked with the one or more audio sources and configured to receive and pre-process audio samples before the samples are rendered, the pre-processing providing characterizing data associated with each sample, wherein the characterizing data is derived from the audio samples” at col. 9, lines 17-26, col. 15, lines 28-64, col. 14, lines 44-51;

“one or more effects configured to receive the characterizing data and use the characterizing data to render a visualization that is synchronized with an audio sample that is being rendered by the media player” at col. 9, lines 28-39, col. 13, lines 13-22, col. 14, lines 31-44, col. 16, lines 11-24.

**As per claim 9**, Leeke teaches “an audio sample pre-processor configured to receive and pre-process audio samples before the samples are rendered by the media player, the pre-processing providing frequency data associated with each sample, wherein the frequency data is derived from the audio samples” at col. 12, lines 21-27, col. 29, lines 44-63, col. 30, line 39 to col. 31, line 17;

“one or more effects configured to receive the frequency data and use the frequency data to render a visualization that is synchronized with an audio sample that is being rendered by the media player” at col. 12, lines 21-27, col. 29, lines 44-63, col. 30, line 39 to col. 31, line 17.

**As per claim 13**, Leeke teaches “an audio sample pre-processor configured to receive and preprocess audio samples before the samples are rendered by a renderer that comprises part of a media player, the audio sample preprocessor preprocessing the samples to provide

characterizing data associated with each sample, the characterizing data comprising a timestamp associated with each audio sample, the timestamp being assigned in accordance with when the audio sample is calculated to be rendered by the renderer” at col. 5, lines 17-48, col. 9, lines 17-26, col. 15, lines 28-64, col. 14, lines 44-51;

“multiple data structures configured to hold the characterizing data, each to data structure being associated with an audio sample” at col. 10, lines 49-65;

“an audio rendering object configured to call the audio sample pre-processor to ascertain the characterizing data associated with an audio sample that is currently being rendered by the renderer” at col. 5, lines 17-48, col. 9, lines 17-26;

“the audio sample pre-processor being configured to ascertain said characterizing data by querying the renderer for a time associated with the currently-rendered audio sample, and then using said time to identify a data structure having a timestamp that is nearest in value to said time” at col. 15, lines 28-64;

“one or more effects configured to receive characterizing data that is associated with the data structure having the timestamp that is nearest in value to said time, and use the characterizing data to render a visualization that is synchronized with the audio sample that is being rendered by the renderer” at col. 15, lines 28-49.

**As per claim 21**, Leeke teaches “a timestamp module for assigning timestamps to audio samples that are to be rendered by a media player renderer” at col. 15, lines 27-64;

“a spectrum analyzer for processing the audio samples to provide frequency data associated with the audio samples” at col. 29, lines 44-63, col. 30, line 39 to col. 31, line 17;

“multiple data structures each of which being associated with an audio sample, the data structures each containing timestamp data and frequency data for its associated audio sample” at col. 15, lines 27-64, col. 29, lines 44-63;

“the system being configured to use the timestamp data to ascertain a data structure associated with an audio sample that is currently being rendered by the media player renderer and provide the frequency data associated with that audio sample so that the frequency data can be used to render a visualization associated with that audio sample” at col. 30, line 39 to col. 31, line 17.

**As per claim 23**, Leeke teaches “receiving multiple audio samples” at col. 5, lines 17-48;

“pre-processing the audio samples before they are rendered by a media player renderer, the pre-processing providing characterizing data for each sample” at col. 9, lines 17-26, col. 15, lines 28-64, col. 14, lines 44-51;

“determining when an audio sample is being rendered by the media player renderer” at col. 5, lines 17-48;

“responsive to said determining, using the characterizing data that is associated with the audio sample that is being rendered to provide a visualization” at col. 5, lines 17-48.

**As per claim 31**, Leeke teaches “calling an audio sample pre-processor for characterizing data that has been derived from an associated audio sample that is currently being rendered by a media player renderer” at col. 5, lines 17-48;

“calling the media player renderer for a time associated with a currently rendered audio sample” at col. 15, lines 27-64;

“using the time to select a data structure containing characterizing data associated with the currently-rendered audio sample” at col. 15, lines 27-64;

“providing the characterizing data to a component for rendering a visualization” at col. 15, lines 27-64.

**As per claim 2**, Leeke teaches “multiple data structures configured to hold the characterizing data, each data structure being associated with an audio sample” at col. 10, lines 49-65.

**As per claim 3**, Leeke teaches “the audio sample pre-processor is configured to maintain the data structures” at col. 10, lines 49-65.

**As per claim 4**, Leeke teaches “the audio sample pre-processor comprises a timestamp module that provides a timestamp for each audio sample, each timestamp being maintained by a data structure associated with the audio sample” at col. 15, lines 27-64.

**As per claim 5**, Leeke teaches “the timestamp is assigned by the timestamp module based upon when the audio sample is calculated to be rendered by the media player” at col. 16, line 13 to col. 17, line 12.

**As per claim 6**, Leeke teaches “the audio sample pre-processor is configured to: query a media player audio sample renderer for a time associated with an audio sample that is being currently rendered” at col. 15, line 66 to col. 16, line 9,

“use the time to ascertain a timestamp of an associated audio sample, the to audio sample pre-processor further being configured to provide characterizing data of the associated audio sample so that the characterizing data can be used to render the visualization” at col. 15, line 27 to col. 16, line 9.

**As per claims 7, 14**, Leeke teaches “characterizing data comprises frequency data” at col. 12, lines 21-27.

**As per claim 10**, Leeke teaches “multiple data structures configured to hold the frequency data, each data structure being associated with an audio sample” at col. 12, lines 21-27, col. 29, lines 44-63, col. 30, line 39 to col. 31, line 17.

**As per claim 11**, Leeke teaches “query a media player audio sample renderer for a time associated with an audio sample that is being currently rendered” at col. 15, line 27 to col. 16, line 9,

“and use the time to ascertain a timestamp of an associated audio sample, the audio sample pre-processor further being configured to provide frequency data of the associated audio sample to the one or more effects so that the frequency data is can be used to render the visualization” at col. 15, line 27 to col. 16, line 9, col. 12, lines 21-27, col. 29, lines 44-63.



**As per claim 16**, Leeke teaches “the visualization is rendered in a rendering area in which other media types can be rendered” at col. 5, lines 17-48.

**As per claim 17**, Leeke teaches “the other media types comprise a video type” at col. 5, lines 17-48.

**As per claim 18**, Leeke teaches “the other media types comprise a skin type” at col. 5, lines 17-48.

**As per claim 19**, Leeke teaches “the other media types comprise a HTML type” at col. 29, lines 44-63.

**As per claim 20**, Leeke teaches “the other media types comprise an animation type” at col. 30, line 62 to col. 31, line 17.

**As per claim 24**, Leeke teaches “maintaining characterizing data for each audio sample in a data structure associated with each audio sample” at col. 10, lines 49-65.

**As per claim 25**, Leeke teaches “the characterizing data comprises a timestamp associated with the audio sample, the timestamp being provided based upon when the audio sample is calculated to be rendered by the media player renderer” at col. 15, lines 27-65.

**As per claim 26**, Leeke teaches “ascertaining a time associated with a currently-rendered audio sample” at col. 16, lines 26-56, col. 15, lines 28-49;

“selecting a data structure having a timestamp that is nearest the time” at col. 15, lines 28-49;

“providing characterizing data associated with the selected data structure to a component configured to provide the visualization” at col. 16, lines 26-56.

**As per claims 27, 32**, Leeke teaches “the characterizing data comprises frequency data associated with each sample” at col. 30, lines 39-53.

5. Claims 29-30, 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US Patent No. 6,715,126 B1).

Chang anticipated independent claims 29, 34, 35, 38 by the following:

**As per claim 29**, Chang teaches “receiving multiple audio samples” at col. 3, lines 22-65;

“pre-processing the audio samples before they are rendered by a media player renderer, the pre-processing comprising at least (1) using a Fast Fourier Transform to derive frequency data from the samples, and (2) associating a timestamp with each sample” at col. 6, lines 23-44;

“maintaining frequency data and a timestamp for each sample in a data structure” at col. 7, lines 1-18;

“determining when an audio sample is being rendered by the media player renderer by: ascertaining a time associated with a currently-rendered sample” at col. 7, lines 1-18;

“selecting a data structure having a timestamp that is nearest the time” at col. 7, lines 1-18;

“providing frequency data associated with the selected data structure to a component configured to use the frequency data to render the visualization” at col. 7, lines 1-18.

**As per claim 34**, Chang teaches “pre-process audio samples using a Fast Fourier Transform to derive from the audio samples frequency data, the audio samples being pre-processed before they are rendered by a media player renderer” at col. 6, lines 23-44;

“query for frequency data that is associated with an audio sample that is currently being rendered by the media player renderer” at col. 7, lines 1-18;

“query for a time associated with the currently-rendered audio sample” at col. 7, lines 1-18;

“use the time to select a data structure containing frequency data associated with the currently-rendered audio sample” at col. 7, lines 1-18;

“provide the frequency data to a component for rendering a visualization” at col. 7, lines 1-18.

**As per claim 35**, Leeke teaches “defining a frame rate at which visualization frames are to be rendered, the visualization frames being rendered from characterizing data that is computed from audio sample and which is used to create the visualization” at col. 3, lines 22-65;

“setting a threshold associated with an amount of time that is to be spent rendering a visualization frame” at col. 6, line 1 to col. 7, line 18;

“monitoring the time associated with rendering individual visualization frames” at col. 6, line 1 to col. 7, line 18;

“determining whether a visualization frame rendering time exceeds the threshold” at col. 6, line 1 to col. 7, line 18;

“and providing an effective frame rate for rendering visualization frames that is longer than the defined frame rate if the determined visualization frame rendering time exceeds the threshold” at col. 6, line 1 to col. 7, line 18.

**As per claim 38**, Leeke teaches “set a threshold associated with an amount of time that is to be spent rendering a visualization frame for a given frame rate, said visualization frame being associated with a visualization that is rendered using characterizing data that is computed from audio samples, which characterizing data is used to create the visualization” at col. 6, line 1 to col. 7, line 18;

“monitor the time associated with rendering individual visualization frames” at col. 6, line 1 to col. 7, line 18;

“determine whether a visualization frame rendering time exceeds the threshold” at col. 6, line 1 to col. 7, line 18;

“provide an effective frame rate for rendering the visualization that is longer than the defined frame rate if the determined visualization frame rendering time exceeds the threshold” at col. 6, line 1 to col. 7, line 18.

**As per claim 30**, Milne teaches “One or more computer-readable media having computer-readable to instructions thereon which, when executed by a computer, cause the computer to implement the method of claim 29” at col. 4, lines 26-59.

**As per claim 36**, Leeke teaches “increasing a call interval associated with calls that are made to a visualization-rendering component” at col. 6, line 1 to col. 7, line 18.

**As per claim 37**, Leeke teaches “modifying the effective frame rate so that the visualization frames are rendered at the defined frame rate” at col. 6, line 1 to col. 7, line 18.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8, 12, 15, 22, 28, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leeke et al. (US Patent No. 6,587,127 B1), in view of Chang et al. (US Patent No. 6,715,126 B1).

As to claims 8, 12, 15, 22, 28, 33, Milne and Jang do not explicitly teach “a Fast Fourier Transform that it utilizes to process the audio samples to provide frequency data associated with the audio samples”. However, Chang teaches this limitation at col. 6, lines 23-44.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of with the teachings of Chang to include “a Fast Fourier Transform that it utilizes to process the audio samples to provide frequency data associated with the audio samples” in order to provide a system and method for enabling the presentation of information on-line, and for the display of multimedia presentations wherein the various media are provided from different sources and are synchronized for representation.

#### ***Response to Arguments***

8. Applicant's arguments concerning the cited references do not teach the amended claims 1, 9, 13, 21, 23, 29, 31, 34 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

Art Unit: 2177

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Miranda Le  
July 07, 2004



GRETA ROBINSON  
PRIMARY EXAMINER